UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION



WENDY KIM McKENZIE,)	
Plaintiff,)	
v.) Case No. 15-414	17
LIBERTY LIFE ASSURANCE COMPANY OF BOSTON,)	
Defendant))	

DEFENDANT'S MOTION TO FILE SETTLEMENT AGREEMENT UNDER SEAL

Defendant, Liberty Mutual Insurance ("Defendant"), pursuant to LR 7.1, brings this Motion to File Settlement Agreement Under Seal as an exhibit to its Motion to Approve Settlement and Dismiss Case with Prejudice. In support of its Motion, Defendant asserts the following:

- 1. The Confidential Negotiated Settlement Agreement and Release, attached heretofore as "Attachment A," signed by Plaintiff Wendy McKenzie ("Plaintiff") and Defendant, is a product of negotiation and compromise between the parties intended to remain confidential.
- 2. Plaintiff does not object to filing the parties' settlement agreement under seal.
- 3. There is no necessity for public access to or disclosure of the information subject to this motion.

- 4. No basis exists for either party to assert prejudice in filing information subject to this motion under seal.
- 5. The confidential Settlement Agreement is intended to be used as an exhibit to support Defendant's Motion to Approve Settlement and Dismiss Case with Prejudice. Through the date of the filing of this motion, Defendant has not made public any of the information subject to this motion.

WHEREFORE, to provide for the matters described herein, Defendant respectfully requests that the Court grant its Motion to File Settlement Agreement Under Seal so that it may file the agreement as a confidential exhibit to Defendant's Motion to Approve Settlement and Dismiss Case with Prejudice.

DATED this 7th day of April, 2016.

Respectfully submitted,

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Lead Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent via U.S. Mail on this 7^{th} day of April, 2016, to:

Wendy Kim McKenzie P.O. Box 694 Hartford, SD 57003

Telephone: (605) 351-8112

E-mail: browneyes_freckles@hotmail.com

Plaintiff, Pro Se

Amy M. Thompson